

REMARKS

In the Office Action of November 6, 2007, claims 1-5 and 7-10 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 4,527,255 (“Keshtbod”). Furthermore, claim 6 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Keshtbod.

In response, Applicant has canceled the dependent claim 6 and has amended the independent claim 1 to include the subject matter of the canceled claim 6. In addition, Applicant has amended claims 1-5, 7 and 8 to remove reference numbers and/or reference letters. Applicant has also added new dependent claims 11 and 12. As amended, Applicant respectfully asserts that the independent claim 1 is not obvious in view of the cited reference of Keshtbod, as explained below. In view of the claim amendments and the following remarks, Applicant respectfully requests that the pending claims 1-5 and 7-12 be allowed.

I. Patentability of Amended Independent Claim 1

The amended independent claim 1 now recites the limitation of “*the static memory means comprises a pair of cross-coupled inverters.*” As amended, Applicant respectfully asserts that the independent claim 1 is not obvious in view of the cited reference of Keshtbod, and thus, requests that the amended independent claim 1 be allowed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As admitted on page 6 of the Office Action, the cited reference of Keshtbod does not disclose a pair of cross-coupled inverters, as now recited in the amended independent claim 1. However, the Examiner has taken official notice that cross-coupled transistors are functionally equivalent to cross-coupled inverters to apparently
5 assert that it is obvious to modify the memory cell of Keshtbod with cross-coupled inverters.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed
10 invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

15 In the case at hand, the Office Action has failed to provide any line of reasoning why it would be obvious to modify the memory circuit of Keshtbod to include conventional cross-coupled inverters. Furthermore, the Office Action has failed to identify some suggestion or motivation, either in the cited reference of Keshtbod or in the knowledge generally available to one of ordinary skill in the art, to
20 modify the cited reference. In addition, the Office Action has failed to show a reasonable expectation of success in modifying the memory circuit of Keshtbod to include conventional cross-coupled inverters since such modification would certainly involve more than merely replacing the transistors Q1 and Q2 with cross-coupled inverters. Therefore, the amended independent claim 1 is not obvious in view of the
25 cited reference of Keshtbod. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

II. Patentability of Dependent Claims 2-5 and 7-12

30 Each of the dependent claims 2-5 and 7-12 depends on the amended independent claim 1. As such, these dependent claims include all the limitations of the amended independent claim 1. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as the amended independent claim 1.

As an example, the dependent claim 10 recites “*wherein gates of the respective transistors are connected together to receive a common signal,*” which is not disclosed in the cited reference of Keshtbod. As shown in Fig. 2 of Keshtbod, the gates of the transistors Q5 and Q6 are not connected together. Thus, the dependent
5 claim 10 is neither anticipated by nor obvious over the cited reference of Keshtbod.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.
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Respectfully submitted,
Roger Cuppens

15 Date: February 4, 2008 By: /thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300